

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
(LUFKIN DIVISION)**

In re:)	
)	JOINTLY ADMINISTERED
TEXAS PELLETS, INC. ¹)	under Case No. 16-90126
)	
Debtors.)	Chapter 11
)	

**NOTICE OF OCCURRENCE OF EFFECTIVE DATE OF FIRST
AMENDED JOINT CHAPTER 11 PLAN OF TEXAS PELLETS, INC.
AND GERMAN PELLETS TEXAS, LLC
AND NOTICE OF REJECTION DAMAGES BAR DATE AND OTHER DEADLINES**

PLEASE TAKE NOTICE that, on September 6, 2019, the United States Bankruptcy Court for the Eastern District of Texas (the “Court”) entered an order [Docket #1257] (the “Confirmation Order”) confirming the *First Amended Joint Chapter 11 Plan for Texas Pellets, Inc. and German Pellets Texas, LLC (Solicitation Version, with Immaterial Modifications as of August 30, 2019)* [Docket #1247] (together with all schedules and exhibits thereto, and as modified, amended or supplemented from time to time, the “Plan”). The final form of the Plan, as confirmed, is filed on the docket at Docket #1271.

Capitalized terms used by not otherwise herein defined shall have the meaning ascribed to such terms in the Plan.

The Effective Date: Please take notice that, on **October 8, 2019**, the Effective Date of the Plan occurred and the Plan was substantially consummated. All conditions precedent to the Effective Date of the Plan set forth in Section 9.1 of the Plan have either been satisfied or waived in accordance with the Plan and the Confirmation Order.

Notice of Rejection Damages Bar Date: Pursuant to Section 8.3 of the Plan, unless otherwise provided by a Final Order of the Bankruptcy Court, all Proofs of Claim with respect to Claims arising from the rejection of Executory Contracts or Unexpired Leases, pursuant to the Plan or the Confirmation Order, if any, must be Filed by **November 7, 2019** (the “Rejection Damages Bar Date”).

Any Claims arising from the rejection of an Executory Contract or Unexpired Lease not Filed within such time will be automatically Disallowed, forever barred from assertion, and shall not be enforceable against the Debtors or the Reorganized Debtors, the Estates, the Liquidating Trust, or their respective property without the need for any objection by the

¹ The jointly-administered Chapter 11 Debtors, along with the last four digits of each such Debtor’s federal tax identification number, are Texas Pellets, Inc. (3478) and German Pellets Texas, LLC (9084).

Reorganized Debtors or further notice to, or action, order, or approval of the Bankruptcy Court. All Allowed Claims arising from the rejection of the Debtors' Rejected Executory Contracts or Rejected Unexpired Leases shall be classified as Unsecured Claims and in Class 3(a) or Class 3(b), as applicable, and shall be treated in accordance with the Plan, unless a different security or priority is otherwise asserted in such Proof of Claim and Allowed under the Plan.

Section 8.2 of the Plan provides as follows concerning the rejection of Executory Contracts and Unexpired Leases:

On the Effective Date or as otherwise provided by the Sale Order, except as otherwise provided herein (and subject to Section 8.5 below), **all Executory Contracts or Unexpired Leases of the Debtors, are deemed rejected** in accordance with the provisions and requirements of sections 365 and 1123 of the Bankruptcy Code, **with the exception of:**

(a) those Executory Contracts or Unexpired Leases previously rejected pursuant to previous order of the Bankruptcy Court, as set forth in Schedule 8.2(a) hereto, which are rejected;

(b) the Lease, Easement Agreement, and July 18, 2018 Agreement as defined under that certain *Order Granting Motion to Assume Ground Lease and Easement Agreement Between the Debtors and the Port of Port Arthur Navigation District of Jefferson County, Texas Under Bankruptcy Code § 365 and Fed. R. Bankr. P. 6006* [Docket #907], entered by the Bankruptcy Court on September 26, 2018, which were assumed by the Debtors under that order, and were assumed and assigned to Purchaser through the Sale Order;

(c) the following, which were assumed and assigned to Purchaser through the Sale Order: those Executory Contracts and/or Unexpired Leases identified on the Schedule of Assumed Executory Contracts and Unexpired Leases within the Plan Supplement; and

(d) those Executory Contracts and/or Unexpired Leases, if any, that are the subject of a motion to assume or reject Executory Contracts or Unexpired Leases that is pending on the Confirmation Date, which shall be deemed assumed or rejected under further order of the Bankruptcy Court.

Administrative Expense Claims Bar Date: Pursuant to Section 6.1.4 of the Plan, requests for payment of Administrative Claims arising on or before the Effective Date must be Filed no later than the earlier of: (i) any bar date or deadline set by the Bankruptcy Court for some or all Administrative Claims in the Reorganization Case, including without limitation the bar date of March 25, 2019 for certain Administrative Claims set by the Bankruptcy Court's order dated February 20, 2019 [Docket #1047]; or (ii) for all other Administrative Claims, **November 7, 2019**, which is the date that is thirty (30) calendar days after the Effective Date (the "Administrative Claims Bar Date").

Professional Fee Claims: Pursuant to Section 6.1.6 of the Plan, all professionals seeking payment of Professional Fee Claims shall (i) file their respective final applications for allowance of compensation for services rendered and reimbursement of expenses incurred in the Reorganization Case by **November 7, 2019**, which is the date that is thirty (30) calendar days after the Effective Date (the "Professional Fee Claim Bar Date").

Election to Receive 10% Distribution: Pursuant to Section 5.3.1 of the Plan, each holder of an Allowed Class 3(a) and/or Class 3(b) Claim may elect to receive the 10% Distribution in full and complete satisfaction, discharge and release of such Allowed Class 3(a) and/or Class 3(b) Claim, under the terms and conditions set forth in Section 5.3.1 of the Plan. A Class 3 Election Form, in the form included within the Plan Supplement and in the form attached to this notice, is being served on parties asserting Class 3(a) and/or Class 3(b) Claims, as indicated in the Schedules and/or in Proofs of Claim. All executed Class 3 Election Forms must be returned to the Reorganized Debtors at the address indicated on the Class 3 Election Form, to be received by **November 7, 2019**, which is the date that is thirty (30) calendar days following the Effective Date.

Liquidating Trust Committee: As of the Effective Date, no further members of the Liquidating Trust Committee have been named other than as previously set forth in the Plan Supplement.

Viewing the Plan and Confirmation Order: The Plan and Confirmation Order may be viewed on the Bankruptcy Court's website at <https://ecf.txeb.uscourts.gov>, at Docket #1271 (Plan) and Docket #1257 (Confirmation Order), respectively. In addition, creditors and stakeholders may request a copy from the undersigned counsel for the Reorganized Debtors.

Dated: October 8, 2019

Respectfully submitted,

/s/ C. Davin Boldissar
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